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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/657,297 09/07/00 BARKER

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EXAMINER

JULES.F

ART UNIT

PAPER NUMBER

3617

DATE MAILED:

05/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/657,297

Applicant(s)

BARKER ET AL.

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 23, line 4, the word "12is" should be --12 is--.

Appropriate correction is required. The above noticed problem is just merely exemplary. Applicant is required to totally check application for error and correct the same.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-16, 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 24, the recitation of "after installation on the railroad car the rear follower is positioned against the rear stops" is unclear because such a recitation is inconsistent with the preamble. The applicant should clarify what subject matter the claim is drawn to, i.e. either the sub-combination of the draft gear along with the combination of the draft gear and the railcar. The examiner is considering the claim to be a combination claim. Applicant should amend the claim(s) accordingly. Similar combination/sub-combination term exists in claim 29, line 26, claim 24, line 7.

In claim 21, line 24, the phrase "draft strokes" is confusing as it claims plurals while only One draft stroke has been previously recited.

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In claim 21, line 29, the phrase "buff strokes" is confusing as it claims plurals while only One buff stroke has been previously recited.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winther.

Claims 1-8

Winther teaches all the limitations of claims 1-8 except for a draft gear assembly with a coupler follower having a buff stroke of 4-1/4" or less, a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8". The general concept of sizing the coupler follower of a draft gear assembly for a particular range of buff stroke and draft stroke including the length of the draft pocket is in the range of common knowledge as illustrated by Winther and has been classified as obvious matter of design preference, see figs. 1-3, columns 1-2, lines 1-72. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winther to include the use of a coupler follower having a buff stroke of 4-1/4" or less, a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in his advantageous draft gear in order to avoid loss of strength in the coupler by increasing the angling of the coupler to better negotiate curve.

6. Claims 9-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winther in view of Kaufhold et al.

Claims 9-28

Winther teaches all the limitations of claims 9-28 except for a draft gear having a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in addition to a shortening member on a center rod extending through a rear follower. Kaufhold et al teach the use of a shortening member on a center rod extending through a rear follower of a draft gear, see figs. 1-2, abstract section. The general concept of sizing the coupler follower of a draft gear assembly for a particular range of buff stroke and draft stroke including the length of the draft pocket is in the range of common knowledge as illustrated by Winther and has been classified as obvious matter of design preference, see Winther figs. 1-3, columns 1-2, lines 1-72. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winther to include the use of a shortening member on a center rod extending through a rear follower of his advantageous draft gear as taught by Kaufhold et al in order to avoid mechanical longitudinal stress load on the coupler assembly. In addition, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winther to include the use of a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in his advantageous draft gear in order to avoid loss of strength in the coupler by increasing the angling of the coupler to better negotiate curve.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mealing et al.

Claims 1-8

Mealing et al teaches all the limitations of claims 1-8 except for a draft gear assembly with a coupler follower having a buff stroke of 4-1/4" or less, a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8". The general concept of sizing the coupler follower of a draft gear assembly for a particular range of buff stroke and draft stroke including the length of the draft pocket is in the range of common knowledge as illustrated by Mealing et al and has been classified as obvious matter of design preference, see figs. 3, columns 1-2, lines 1-55. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mealing et al to include the use of a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in his advantageous draft gear in order to avoid loss of strength in the coupler by increasing the angling of the coupler to better negotiate curve.

8. Claims 9-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mealing et al in view of Kaufhold et al.

Claims 9-28

Mealing et al teach all the limitations of claims 9-28 except for a draft gear having a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in addition to a shortening member on a center rod extending through a rear follower. Kaufhold et al teach the use of a

shortening member on a center rod extending through a rear follower of a draft gear, see figs. 1-2, abstract section. The general concept of sizing the coupler follower of a draft gear assembly for a particular range of buff stroke and draft stroke including the length of the draft pocket is in the range of common knowledge as illustrated by Mealing et al and has been classified as obvious matter of design preference, see Mealing et al figs. 3, columns 1-2, lines 1-55. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mealing et al to include the use of a shortening member on a center rod extending through a rear follower of his advantageous draft gear as taught by Kaufhold et al in order to avoid mechanical longitudinal stress load on the coupler assembly. In addition, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mealing et al to include the use of a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in his advantageous draft gear in order to avoid loss of strength in the coupler by increasing the angling of the coupler to better negotiate curve.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clark, Page, Wilson et al, Blattner, Pelikan are cited to show closely related draft gear having front and rear cushion assembly.

Shramovich, Altherr are cited to show related draft gear coupler having various size buff stroke.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules
Examiner
Art Unit 3617

FFJ

May 10, 2001



S. JOSEPH MORANO
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